

IN THE UNITED STATES RECEIVING OFFICE

Applicant : Nikolaus Theres
Serial No. : 09/403,262
Filed : October 15, 1999
Title : PLANTS WITH CONTROLLED SIDE-SHOOT FORMATION AND/OR
CONTROLLED ABSCISSION ZONE FORMATION

BOX PCT

Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO NOTIFICATION OF MISSING PARTS

Responsive to the Notification of Missing Requirements under 35 U.S.C. 371
mailed December 6, 1999, Applicant as a small entity submits herewith the following:

- ☐ Payment of the additional/multiple dependent claims fees of \$0;
- ☒ Payment of the surcharge of \$65 for late filing of the basic filing fee and/or declaration.
- ☒ A Verified Statement Claiming Small Entity Status;
- ☒ A Combined Declaration and Power of Attorney in compliance with 37 CFR §1.63;
- ☐ A verified English translation of the application and payment of the \$0 fee required under 37 CFR §1.17(k); and
- ☐ Other:

It is understood that this perfects the application and no additional papers or filing fees are required. Please apply any other charges or credits to Deposit Account No. 06-1050.

CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Label No. EL445374091US

I hereby certify under 37 CFR §1.10 that this correspondence is being deposited with the United States Postal Service as Express Mail Post Office to Addressee with sufficient postage on the date indicated below and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit

January 5, 2000

Signature

Samantha Bell
Typed or Printed Name of Person Signing Certificate

01/14/2000 PVOLPE 00000101 09403262

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Page : 2

Attorney's Docket No.: 11216-002001 / 140-2 US

Respectfully submitted,

Date: January 5, 2000

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U.S. APPLICATION NO. 112167002001

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FISH & RICHARDSON, P.C.
BOSTON OFFICE

INTERNATIONAL APPLICATION NO
PCT/DE98/01070

I.A. FILING DATE 04/15/98 PRIORITY DATE 04/15/97

DATE MAILED: 12/06/99

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NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494), ☐ an Elected Office (37 CFR 1.495):

- ☒ U.S. Basic National Fee.
☒ Copy of the international application in:
☐ a non-English language.
☐ English.
☐ Translation of the international application into English.
☐ Oath or Declaration of inventors(s) for DO/EO/US.
☐ Copy of Article 19 amendments.
☐ Translation of Article 19 amendments into English.
☐ The International Preliminary Examination Report in English and its Annexes, if any.
☐ Translation of Annexes to the International Preliminary Examination Report into English.
☐ Preliminary amendment(s) filed _____ and _____.
☐ Information Disclosure Statement(s) filed _____ and _____.
☐ Assignment document.
☐ Power of Attorney and/or Change of Address.
☐ Substitute specification filed _____.
☐ Statement Claiming Small Entity Status.
☐ Priority Document.
☐ Copy of the International Search Report ☐ and copies of the references cited therein.
☐ Other:

Docketed By Practice Systems
 Action Code: MAILED
 Base Date: 12/15/99
 Due Date: 12/15/99
 Deadline: 12/15/99
 Initial: ML

Docketed By Billing Secretary
 Due Date: 1/6/00
 Deadline: 1/6/00
 Initials: ML

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☐ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the United States Patent and Trademark Office, P.O. Box 1000, Washington, D.C. 20231 (37 CFR 1.5).